

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKJOAQUIN STEWART AND DENISE URQUIOLA,  
Plaintiff, x

-against-

STIPULATION OF  
SETTLEMENT AND  
ORDER OF DISMISSAL

11 CV 6595 (CM)

THE CITY OF NEW YORK, DETECTIVE AMADO  
BATISTA, JOHN URENA, CHARLES HARMON,  
MANUEL SANCHEZ, THOMAS BALDWIN,  
UNDERCOVER OFFICER NO. 233, UNDERCOVER  
OFFICER NO. 220, ANTHONY SCHAFER, and DOES 1-  
10.

Defendants. x

ELECTRONICALLY FILED  
4/25/12

**WHEREAS**, Plaintiffs commenced this action by filing a complaint on or about,  
September 21, 2011, alleging that the Defendants violated Plaintiffs' civil rights; and

**WHEREAS**, Defendants have denied any and all liability arising out of  
Plaintiffs' allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation,  
without further proceedings and without admitting any fault or liability; and

**WHEREAS**, Plaintiffs have authorized their counsel to settle this matter on the  
terms set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by  
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against Defendants, with  
prejudice, and without costs, expenses, or attorneys' fees in excess of the amount specified in  
paragraph 2 below.

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2. Defendant City of New York hereby agrees to pay Plaintiff, Joaquin Stewart, the sum of **FIFTEEN THOUSAND Dollars (\$15,000.00)** and Plaintiff, Denise Urquiola, the sum of **FIVE THOUSAND Dollars (\$5,000)** in full satisfaction of all claims, including claims for costs, expenses, and attorneys' fees. In consideration for the payment of these sums, Plaintiffs agree to the dismissal with prejudice of all the claims against the named defendants, the City of New York, Detective Amado Batista, John Urena, Charles Harmon, Manuel Sanchez, Thomas Baldwin, Undercover Officer No. 233, Undercover Officer No. 220, Anthony Schaffer, and the individuals named herein as Does 1-10, and to release and discharge all Defendants, and any present or former employees and agents of the City of New York, or any entity represented by the Office of the Corporation Counsel, from any and all liability, claims, or rights of action alleging a violation of Plaintiffs' civil rights, from the beginning of the world to the date of the General Release, including claims for costs, expenses, and attorneys' fees.

3. Each Plaintiff shall execute and deliver to Defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph "2" above and an Affidavit of Status of Liens. If Medicare has provided payment and/or benefits for any injury or condition that is the subject of this lawsuit, prior to tendering the requisite documents to effect this settlement, Plaintiffs shall have notified Medicare and shall submit with the settlement documents a Medicare final demand letter for conditional payments. A Medicare Set-Aside Trust may also be required if future anticipated medical costs are found to be necessary pursuant to 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26.

4. Nothing contained herein shall be deemed to be an admission by the Defendants that they in any manner or way violated Plaintiffs' rights, or the rights of any other

person or entity, as defined in the constitutions, statutes, ordinances, rules, or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations, or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. Plaintiffs agree to hold harmless Defendants the City of New York, Detective Amado Batista, John Urena, Charles Harmon, Manuel Sanchez, Thomas Baldwin, Undercover Officer No. 233, Undercover Officer No. 220, Anthony Schaffer, and the individuals named herein as Does 1-10, regarding any liens or past and/or future Medicare payments, presently known or unknown in connection with this matter. If conditional and/or future anticipated Medicare payments have not been satisfied, defendants reserve the right to issue a multiparty settlement check, naming Medicare as a payee or to issue a check to Medicare directly based upon Medicare's final demand letter.

*So ordered,*

*Colin W. W.*

*U.S.D. 5*

*4/25/12*